

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
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4 UNITED STATES OF AMERICA,	)	
	)	CR20-00215-RSM
5 Plaintiff,	)	
	)	SEATTLE, WASHINGTON
6 v.	)	
	)	September 9, 2021 -
7 ELLEN BRENNAN REICHE,	)	9:51 A.M.
	)	
8 Defendant.	)	TRIAL - DAY 3 -
	)	VERDICT
9	)	

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10 VERBATIM REPORT OF PROCEEDINGS  
11 BEFORE THE HONORABLE RICARDO S. MARTINEZ  
12 UNITED STATES DISTRICT JUDGE

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14 APPEARANCES:

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16 For the Plaintiff: Philip Kopczynski  
17 Sok Tea Jiang  
18 U.S. Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, WA 98101

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20 For the Defendant: Jesse G. Cantor  
21 Christopher Sanders  
22 Federal Public Defender's Office  
1601 5th Avenue, Suite 700  
23 Westlake Center Office Tower  
Seattle, WA 98101  
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1 THE COURT: Counsel, good morning. Our jurors have  
2 indicated they have a verdict.

3 Bring them in, please.

4 (The following occurred in the presence of the jury.)

5 THE COURT: And you may all be seated. Good morning.  
6 Good morning, ladies and gentlemen.

7 And, Juror 2, I saw you holding something. Were you the  
8 presiding juror in this case.

9 JUROR NO. 2: Yes, Your Honor.

10 THE COURT: Ma'am, has the jury reached a verdict?

11 JUROR NO. 2: (No audible response.)

12 THE COURT: Has the jury reached a verdict?

13 JUROR NO. 2: Yes. Yes, we have.

14 THE COURT: Would you please hand the verdict form to  
15 our clerk?

16 JUROR NO. 2: (Juror 2 complied with the Court's  
17 request.)

18 THE COURT: And, Madam Clerk, would you please announce  
19 the verdict of the jury?

20 THE CLERK: In the matter of the United States versus  
21 Ellen Brennan Reiche, we, the jury, have unanimously reached the  
22 following verdict:

23 As to the charge of violence against railroad carriers as  
24 charged in Count 1, the defendant, Ellen Brennan Reiche, is  
25 guilty.

1 Finding the defendant guilty of Count 1, we unanimously agree  
2 that the defendant committed violence against railroad carriers,  
3 yes; attempted to commit violence against railroad carriers, yes;  
4 conspired to commit violence against railroad carriers, yes.  
5 Dated this 9th day of September and signed by the presiding  
6 juror.

7 THE COURT: Counsel, does the defense wish the jury to  
8 be polled?

9 MR. CANTOR: Yes, Your Honor. Thank you.

10 THE COURT: And what that means, ladies and gentlemen,  
11 is the clerk will ask a single question of each one of you that  
12 can simply be answered "Yes" or "No."

13 Juror No. 1, is this your decision and the decision of the  
14 jury?

15 JUROR NO. 1: Yes.

16 THE CLERK: Juror 2, is this your decision and the  
17 decision of the jury?

18 JUROR NO. 2: Yes.

19 THE CLERK: Juror No. 3, is this your decision and the  
20 decision of the jury?

21 JUROR NO. 3: Yes.

22 THE CLERK: Juror No. 4, is this your decision and the  
23 decision of the jury?

24 JUROR NO. 4: Yes.

25 THE CLERK: Juror No. 5, is this your decision and the

1 decision of the jury?

2 JUROR NO. 5: Yes.

3 THE CLERK: Juror No. 6, is this your decision and the  
4 decision of the jury?

5 JUROR NO. 6: Yes.

6 THE CLERK: Juror No. 7, is this your decision and the  
7 decision of the jury?

8 JUROR NO. 7: Yes.

9 THE COURT: Juror No. 8, is this your decision and the  
10 decision of the jury?

11 JUROR NO. 8: Yes.

12 THE CLERK: And Juror No. 9, is this your decision and  
13 the decision of the jury?

14 JUROR NO. 9: Yes.

15 THE CLERK: Juror No. 10, is this your decision and the  
16 decision of the jury?

17 JUROR NO. 10: Yes.

18 THE CLERK: Juror No. 11, is this your decision and the  
19 decision of the jury?

20 JUROR NO. 11: Yes.

21 THE CLERK: And Juror No. 12, is this your decision and  
22 the decision of the jury?

23 JUROR NO. 12: Yes.

24 THE CLERK: Thank you.

25 THE COURT: Thank you, Madam Clerk.

1 The jurors having been polled, all answered in the  
2 affirmative, the verdict form will be accepted and may be filed.

3 Ladies and gentlemen, thank you. This concludes your service  
4 on this particular case. Also, the case may have been a short  
5 one in terms of duration; it certainly is an important one, as  
6 all of them are.

7 As I told you a couple days ago when started, I am so  
8 grateful for your willingness to sacrifice and come in,  
9 especially during these strange, strange pandemic times. We're  
10 all suffering through it. Our infection rates are getting  
11 higher, yet you, total strangers to the system, were willing to  
12 come in here and help us make sure that people's constitutional  
13 rights are able to proceed and that the court is able to do the  
14 business that it must do at all times no matter what.

15 You know, I saw some fascinating photos from what they called  
16 the Spanish flu in 1918 and what happened with courts at that  
17 point in time, with courts holding trials in outdoor spaces,  
18 underneath trees, next to courthouses, because we've always done  
19 it, 240-some years of history, and we're not going to stop now,  
20 but it would not be possible without people like you.

21 So you're now free of all of the prohibitions the Court had  
22 imposed about your ability to talk about the case. In federal  
23 court, the attorneys are not allowed to speak with you, they're  
24 not allowed to do any follow-up or contact you, so you will not  
25 hear from them. But you can now talk to anybody else that you

1 want.

2 I would ask only a couple of things for you to keep in mind.  
3 Number one, your deliberations are private for a reason, all  
4 right? So when you speak to someone else or you tell someone  
5 else about what this may have been like, remember, in terms of  
6 any attribution to any other juror, what they may have said, you  
7 know, it's meant to be private amongst the twelve of you, okay?  
8 But aside from that, you are free to talk to anyone about the  
9 case itself.

10 And, in fact, I would ask you to do me a favor. When your  
11 friends or neighbors ask you about what it was like to be on jury  
12 duty, tell them exactly what it was like, tell them about the  
13 case, tell them about what you thought, tell them about your  
14 portion of it and your perspective of it, but please tell them,  
15 especially now, that if they get that summons in the mail, to  
16 come and serve as jurors, not to just automatically think to  
17 themselves, "How do I get out of doing this? How do I stop from  
18 going down there? I don't want to go down there, no," but to  
19 think very carefully about that. Because this is one of the  
20 duties of being a citizen of the United States of America. And  
21 from my perspective -- and, yeah, I know, I'm fully bias, I will  
22 admit it up front; I have been doing this 40 years now, 30 years  
23 on the bench -- from my perspective, aside from voting, it's  
24 probably the most important duty that a citizen has, to serve on  
25 a jury.

1 So thank you all on my behalf and thank you on behalf of all  
2 the judges of the Western District of Washington. You are now  
3 free to go back downstairs and check in with Jeff or Daisy and  
4 then they will tell you exactly what to do. So we thank you very  
5 much for your service.

6 All rise for our jury.

7 (The jury was excused.)

8 THE COURT: Counsel, please be seated.

9 Madam Clerk, do we have a sentencing date?

10 THE CLERK: Yes, Your Honor. Sentencing is scheduled on  
11 December 17 at 10:00 a.m.

12 THE COURT: The defendant is obviously out on bond, has  
13 performed well on bond.

14 Is the government asking to change that status?

15 MR. KOPCZYNSKI: No, Your Honor.

16 THE COURT: All right. Ms. Reiche, you heard the jury's  
17 verdict. Our sentencing date is set for mid-December at 10  
18 o'clock in the morning right back here. You will remain on the  
19 same conditions that were placed on you previously. As I have  
20 indicated, you have done quite well.

21 Please, be very aware that any violation of those conditions  
22 would, of course, be reported to the Court, and now with this  
23 verdict, of course, you could very well be taken back into  
24 custody should those conditions be violated.

25 Between now and that sentencing date, a probation officer

1 will reach out and make contact with you. They need to interview  
2 you to put together a presentence investigation report. It's an  
3 independent report sent to the Court prior to our sentencing  
4 date. Your counsel, of course, will put together a  
5 recommendation for sentence, as will the government. The Court  
6 then takes all three of those recommendations and considers all  
7 of the factors that impact sentencing to determine what an  
8 appropriate sentence is.

9 That interview with the probation officer is quite lengthy.  
10 It takes a matter of hours. They basically go into your entire  
11 life history and then report that back to the Court and to the  
12 parties as well. That interview can certainly take place with  
13 the presence of your counsel. You don't have to do it by  
14 yourself. Your counsel can be present. They can help you  
15 throughout that entire process.

16 Do you understand?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: All right. Anything further from the  
19 government, then, this morning?

20 MR. KOPCZYNSKI: No. Thank you, Your Honor.

21 THE COURT: Anything further from the defense?

22 MR. CANTOR: Nothing further. Thank you.

23 THE COURT: Thank you all very much.

24 We will be at recess.

25 (Adjourned.)



## C E R T I F I C A T E

I, Nickoline M. Drury, RMR, CRR, Court Reporter for the United States District Court in the Western District of Washington at Seattle, do certify that the foregoing is a correct transcript, to the best of my ability, from the record of proceedings in the above-entitled matter.

/s/ Nickoline Drury

Nickoline Drury